



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Attorney Docket No. 087522785134
Kottman, Mark A.)
)
Application No.: 09/684,462)
)
Filed: October 6, 2000)
)
For: MODULAR WALL PANEL)
CONSTRUCTION)
)
Examiner: Horton, Yvonne Michele)
)
Art Unit: 3635)
)
Confirmation No.: 3279)

REMARKS

RECEIVED
SEP 10 2003
GROUP 3600

Claims 1-6 and 8 are in the application. Claims 1-3 and 8 have already been found to be in allowable condition; claims 4-6 have been rejected.

The rejection of claims 4-6 is under section 102 based upon a patent to Welch, U.S. 5,381,994.

In order to distinguish from Welch, claims 4 has been amended to include the limitation that the threaded sleeve 34, FIG. 3, of the subject application is positioned between the base rail 30 and the lower member 24. This distinguishes the apparatus from the Welch reference where

the threaded sleeve 100 is located above the channel member 30 as well as above the base rail 40.

The Examiner did not realize as the Threaded sleeve is indicated as the Thread sleeve

In addition, claim 4 includes the limitation that the threaded stem 36, FIG. 3, of the subject application includes a tool receiving upper end portion 40 which is also disposed between the base rail 30 and the lower member 24. The Welch reference does not teach a "tool receiving

upper end portion" for the threaded element 60 at all and the upper portion of the thread element 60 extends above both the base rail and the lower member of the wall frame.

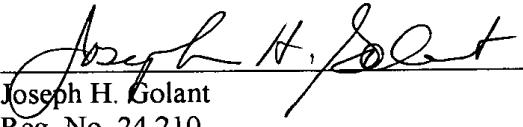
Applicant respectfully requests that the Examiner reconsider claim 4 in view of the amendment and comments above.

Claims 5 and 6 are dependent from claim 4 and would be allowable if claim 4 is allowable.

The Examiner is invited to call the undersigned should she feel that a telephone conference will facilitate prosecution of the subject applications.

Dated: September 4, 2003

Respectfully submitted,


Joseph H. Golant
Reg. No. 24,210
JONES DAY
77 West Wacker Drive
Chicago, Illinois 60601-1692
(312) 269-1534
jhgolant@jonesday.com